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HONOURABLE SRI JUSTICE B.PRAKASH RAO
AND
HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL NO:394 of 2006

DATED: 13-10-2006

Between:

The Depot Manager, APSRTC, Khammam Depot, Khammam District

..... APPELLANT

AND

1. D.V.Ramanaiah and another

.....RESPONDENTS

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JUDGMENT:(per Hon'ble Sri Justice Ramesh Ranganathan)

Aggrieved by the order passed in W.P.No.268 of 1998 dated 22-06-2004, the Depot Manager, Khammam Depot, has come up by way of this appeal.

W.P.No.268 of 1998 was filed by the respondent-workman aggrieved by the award of the Industrial Tribunal-cum-Labour Court at Warangal, in I.D.No.16 of 1994 dated 12-03-1996 published on

15-06-1996, wherein the respondent-workman was directed to be reinstated into service without back wages and the period from the date of suspension till his reinstatement was directed to be treated as not on duty.

The learned Single Judge allowed W.P.No.268 of 1998, in part, directing the appellants herein to treat the period of suspension till the date of reinstatement i.e., from 27-08-1992 to 26-06-1996 as on duty.

Apprehending that such a direction would necessitate the appellant to pay wages for this period the present appeal is filed.

In his counter-affidavit, filed in the writ appeal, the respondent-workman would submit that in case the appellant-Corporation implements the judgment of the learned Single Judge in its entirety treating the period of suspension as on duty by granting notional increments, he would not claim any back wages.

In view of the undertaking given, in the counter-affidavit, by the respondent-workman, the effect of the order of the learned Single Judge is that the respondent-workman would only be entitled for the benefit of continuity of service and for notional fitment. The discretion exercised by the learned Single Judge does not necessitate interference in the present appeal. We, however, record the submission of the respondent-workman that he will not

claim back wages for the aforesaid period.

Subject to the above observations, the writ appeal is dismissed. However, in the circumstances, without costs.

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B.PRAKASH RAO, J

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RAMESH RANGANATHAN, J

13th October, 2006

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